

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Jayson Galeano

v.

Civil No. 10-cv-00530-JL

United States of America

O R D E R

The court's preliminary review of the written and oral record indicates that while the issue of the statutory mandatory minimum sentence was covered in the plea colloquy and acknowledged by the defendant personally at sentencing, the statutory basis for it was not referenced in the indictment, and the potential for it was not referenced in the written plea agreement. While these factors do not necessarily operate to invalidate the plea, an abundance of caution requires that the United States Attorney file a response to the motion within thirty (30) days of the date of this order. The court notes that the defendant's allegation of ineffective assistance and statements in the motion have waived his attorney client privilege.

SO ORDERED.



Joseph N. Laplante
United States District Judge

Dated: December 8, 2010

cc: Jayson Galeano, pro se
Aixa Maldonado-Quinones, AUSA